

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

VILLAGE OF HAZEL CREST,)	
)	
Petitioner,)	
)	
v.)	PCB No. 2019-003
)	(Permit Appeal – Air)
ILLINOIS ENVIRONMENTAL PROTECTION AGENCY,)	
)	
Respondent.)	

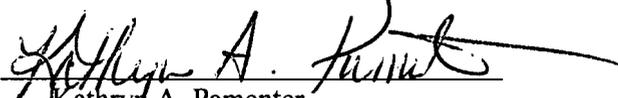
NOTICE OF FILING

To:	John B. Murphey	Bradley P. Halloran
	Amber M. Samuelson	Hearing Officer
	Rosenthal, Murphey, Coblenz & Donahue	Illinois Pollution Control Board
	30 N. LaSalle St., Suite 1624	James R. Thompson Center, Suite 11-500
	Chicago, Illinois 60602	100 W. Randolph Street
	ASamuelson@rmcj.com	Chicago, IL 60601
	JMurphey@rmcj.com	Brad.Halloran@Illinois.gov

Mr. Don Brown
 Clerk
 Illinois Pollution Control Board
 100 W. Randolph
 Chicago, IL 60601
 Don.Brown @illinois.gov

PLEASE TAKE NOTICE that on August 3, 2018, I caused to be filed with the Clerk of the Illinois Pollution Control Board the Record on Appeal (R001-R024) and Certificate of Record on Appeal, including the Index of the Record on Appeal Pursuant to 35 Ill. Adm. Code 105.116 and 105.212 (the "Index"), on behalf of Respondent, Illinois Environmental Protection Agency. The Record on Appeal (R001-R024) and Certificate of Record on Appeal, including the Index, are attached hereto and hereby served upon you.

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

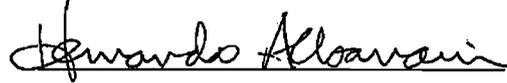
By: 
 Kathryn A. Pamenter
 Assistant Attorney General
 Environmental Bureau
 69 W. Washington St., 18th Floor
 Chicago, IL 60602
 (312) 814-0608
 kpamenter@atg.state.il.us

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

VILLAGE OF HAZEL CREST,)	
)	
Petitioner,)	
)	
v.)	PCB No. 2019-003
)	(Permit Appeal – Air)
ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Respondent.)	

CERTIFICATE OF RECORD ON APPEAL

I, Hernando Albarracin, of the Illinois Environmental Protection Agency hereby certify that the Record on Appeal filed in the above-referenced matter and summarized in the attached Index of the Record on Appeal Pursuant to 35 Ill. Adm. Code 105.116 and 105.212 (the "Index"), is complete to the best of my knowledge, information and belief.



BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

VILLAGE OF HAZEL CREST,)
)
 Petitioner,)
)
 v.) PCB No. 2019-003
) (Permit Appeal – Air)
 ILLINOIS ENVIRONMENTAL)
 PROTECTION AGENCY,)
)
 Respondent.)

**INDEX OF THE RECORD ON APPEAL PURSUANT TO 35 ILL. ADM.
CODE 105.116 AND 105.212**

CATEGORY ONE: PERMIT APPLICATION:

Doc No.	Description	Record Nos.
1.	Village of Hazel Crest Application for Open Burning Permit, including cover email from Dante Sawyer (Village)	R001-009
2.	Emails between Dante Sawyer (Village) and Hernando Albarracin (IEPA) dated May 11, 2018	R010-R011

CATEGORY TWO : PRE-DENIAL LETTER CORRESPONDENCE RELATED TO PERMIT APPLICATION

Doc No.	Description	Record Nos.
3.	Email from Dante Sawyer (Village) to Hernando Albarracin (IEPA) dated May 14, 2018 regarding updated maps	R012-014

CATEGORY THREE: PERMIT DENIAL LETTER:

Doc No.	Description	Record Nos.
4.	Illinois Environmental Protection Agency's Letter to Village of Hazel Crest dated May 30, 2018, denying permit application	R024

CATEGORY FOUR: HEARING MATERIALS:

None

CATEGORY FIVE: MATERIALS USED IN DECISION

Doc. No.	Description	Record Nos.
5.	Email from Hernando Albarracin (IEPA) to Eric Jones (IEPA) dated May 14, 2018	R015-R016
6.	Handwritten notes of Hernando Albarracin (IEPA) of telephone calls with Dante Sawyer (Village) dated May 14, 2018 and May 29, 2018	R017
7.	Email from Ray Pilapil (IEPA) to Hernando Albarracin (IEPA) and Julie Armitage (IEPA), with a cc to Bob Bernoteit (IEPA) and Eric Jones (IEPA), dated May 17, 2018	R018-019, R021-R022
8.	Email from Hernando Albarracin (IEPA) to Eric Jones (IEPA) dated May 18, 2018	R018, R021
9.	Email from Eric Jones (IEPA) to Hernando Albarracin (IEPA) dated May 19, 2018	R018, R20
10.	Email from Hernando Albarracin (IEPA) to Ray Pilapil (IEPA) dated May 21, 2018	R021
11.	Email from Hernando Albarracin (IEPA) to Michelle Morrissey dated May 29, 2018	R023

From: Dante Sawyer <dsawyer@villageofhazelcrest.com>
Sent: Friday, May 11, 2018 12:03 PM
To: Albarracin, Hernando
Cc: Karl Persons
Subject: [External] Village of Hazel Crest - application for an open burning permit.
Attachments: VOHC 2018 - Application for Burning Permit.pdf

Mr. Albarracin,

Attached is an application for an open burning permit for the Village of Hazel Crest. A hard copy will be mailed IEPA accordingly. Please confirm the mailing address for submission of the hard copy application (State of Illinois Environmental Protection Agency, Division of Air Pollution Control | P.O. Box 19506 | Springfield, Illinois 62794-9506).

In addition, I recently joined the Village as Assistant Village Manager / Director of Public Works. Going forward, please send all notices and inquires to my attention. Feel free to send electronically via my email or by mail at the address below.

Thanks for your assistant!

Dante

Dante Sawyer
Assistant Village Manager



Village of Hazel Crest
3000 W. 170th Place
Hazel Crest, IL 60429
(708) 335-9600, ext. 202



STATE OF ILLINOIS
ENVIRONMENTAL PROTECTION AGENCY
DIVISION OF AIR POLLUTION CONTROL
P. O. BOX 19608
SPRINGFIELD, ILLINOIS 62794-9506

This Agency is authorized to require this information under Illinois Revised Statutes, 1975, Chapter 111 1/2, Section 1039. Disclosure of this information is required under that Section. Failure to do so may prevent this form from being processed and could result in your application being denied. This form has been approved by the Forms Management Center.

For Agency Use Only

I.D. _____

Permit _____

APPLICATION FOR OPEN BURNING PERMIT

1. APPLICANT

Name: Village of Hazelcrest
Address: 3000 W. 170th Place, Hazel Crest zip code: 60429
Contact Person: DANTE Sawyer Phone: 708/338 9600 Ext 202

2. TYPE OF PERMIT APPLICATION

Firefighting Instruction/Research Prairie or Forest Ecology Management
 Disaster Waste Landscape Waste, With Air Curtain Destructor
Other (Specify): _____

3. GENERAL JUSTIFICATION FOR OPEN BURNING

Reasons why alternatives to open burning are not available: Disposal fees for landscape ~~to open burning~~ waste are increasing dramatically, especially for large trees
Reasons why such burning is in the public interest: To save tax dollars, to eliminate illegal residential burning and fly by dumping

4. SITE

Address: 2700 block of 170th Street
County: COOK Township: Bremen

Attach to this application (1) a sketch of the immediate vicinity of the site, and (2) a printed map of the general area with the site and nearby features marked. Together these maps must describe the site and provide the distance to nearby features, including adjacent structures, residences, populated areas, roadways, airports, lakes and waterways, hospitals, nursing homes and schools.

5. DURATION AND SCHEDULE

Estimated duration of Open Burning: 40 min Total Hours
If Open Burning will occur over more than one day: 8 max Hours/Day
Scheduled Date(s): Mon/Fri Alternate Date(s): Sat
Name of individual to contact on-site to verify date(s) for Open Burning: Karl Persons
Phone: 708/338 9600 Ext 203

6. MATERIALS TO BE BURNED

<u>Item</u>	<u>Amount/Size</u>	<u>Composition/Description/Contents</u>
Large diameter trees	40-60 per year	branches/leaves/trunks

Specify total amounts of material to burned at the site. Include material(s) used to start the fire and any supplemental material(s) used to maintain the fire. Describe items in appropriate terms, that is

- Prairies: Acres - Type and extent of vegetation
- Chemicals: Volume or weight - chemical constituents
- Buildings: Stories, rooms, square feet - type of construction, state of deterioration, roofing & siding materials, remaining furnishings, other contents

7. CONTAMINANT EMISSIONS

Particulate Matter _____ LB Sulfur Dioxide _____ LB Nitrogen Oxide _____ LB
Organic Material _____ LB Carbon Monoxide _____ LB
Other (_____) _____ LB

Attach calculations or other means by which the above data was obtained. (This Section need not be completed for burning of vegetation, landscpae waste, building debris, and agricultural waste. If the materials are adequately described in Section 6).

8. RESIDUE DISPOSAL

Method to be used to dispose of the residue from Open Burning: _____
 Material will be taken to an official dump site by
 Homewood Disposal

9. ABATEMENT

Steps taken in planning for Open Burning to minimize emissions and air quality impacts:
Amount of Material Scheduling Site Selection Other (air curtain destructor)
 Explanation: _____

Methods used during Open Burning to reduce contaminant emissions and minimize impact on air quality:

Water-Fog Curtain Controlled Burn Other (air curtain destructor)
 Explanation: EPA approved method for burning
 8' x 18'

10. NOTIFICATION

Have individuals living or working near the site been notified of the proposed Open Burning?

Yes No If "Yes", explain method of notice and any additional measures to be taken to respond to concerns:

The burn site has had numerous publications advertising its purpose and existence. It appears in our Villager newspaper on a regular basis touting the efficiency and tax saving to our residence.

11. ADDITIONAL INFORMATION -LANDSCAPE WASTE DISPOSAL ONLY!

Name of air curtain destructor or comparable device: Driall air curtain destructor
Manufacturer: Driall Model No.: ACD21

Attach a copy of the manufacturer's written instructions for use of the device to the application. A copy of these instructions should be available at the Open Burning site. more than 19 years old

12. ADDITIONAL INFORMATION - DISASTER WASTE DISPOSAL ONLY!

Type of Disaster: Tornado Ice Storm Flood Other (Specify): _____

Disaster Declared By: Governor Of Illinois President Of The United States
Will material other than clean wooden building debris, landscape waste or agricultural waste, caused by the disaster, be burned? Yes No

13. ADDITIONAL INFORMATION -FIREFIGHTING INSTRUCTION/RESEARCH ONLY!

Participation in the exercise:	Organizations or Departments	Estimated Number of participants
_____	_____	_____
_____	_____	_____
_____	_____	_____

Scope of Training Exercise: Use Of Extinguishers Forceable Entry
 Rescue Techniques Use of Smoke Masks and Breathing Apparatus Other (Specify): _____

Description of Open Burning as related to the training exercise (plan of fire, phases of training, methods of ignition, extinguishment methods, etc.):

Attach written plan for exercise or similar exercise, if available

List of other training activities in the last 12 months including all Open Burning exercises:

AUTHORIZED SIGNATURE

The undersigned hereby makes application for an Open Burning Permit and certifies that the statements contained herein are true and correct.

Signature: Dante Sawyer Date: 05-11-18

Typed Or Printed Name Of Signer: Dante Sawyer

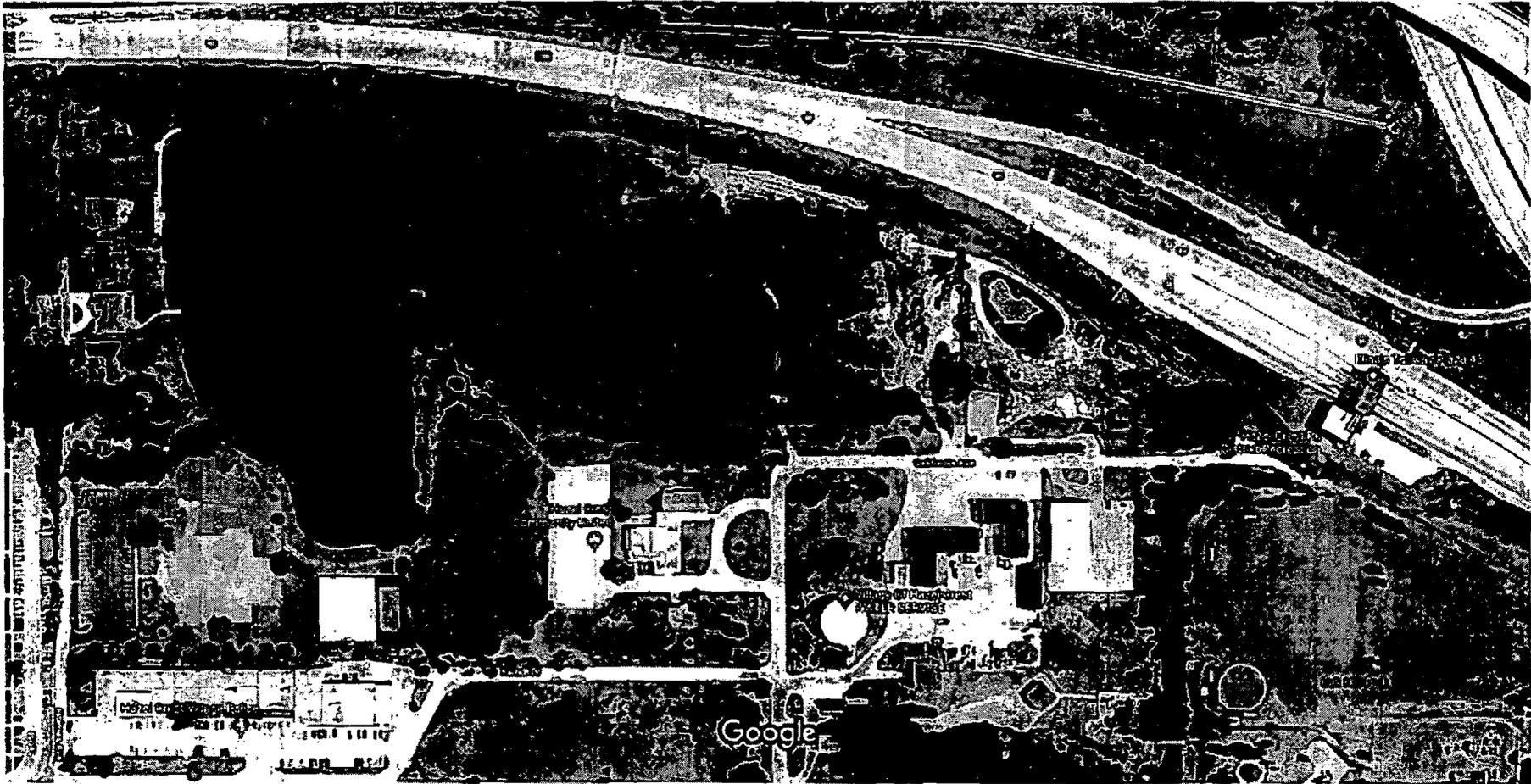
Title Of Signer: Asst. Village Manager / Director Public Works

Additional Comments:

5/11/2018

Google Maps

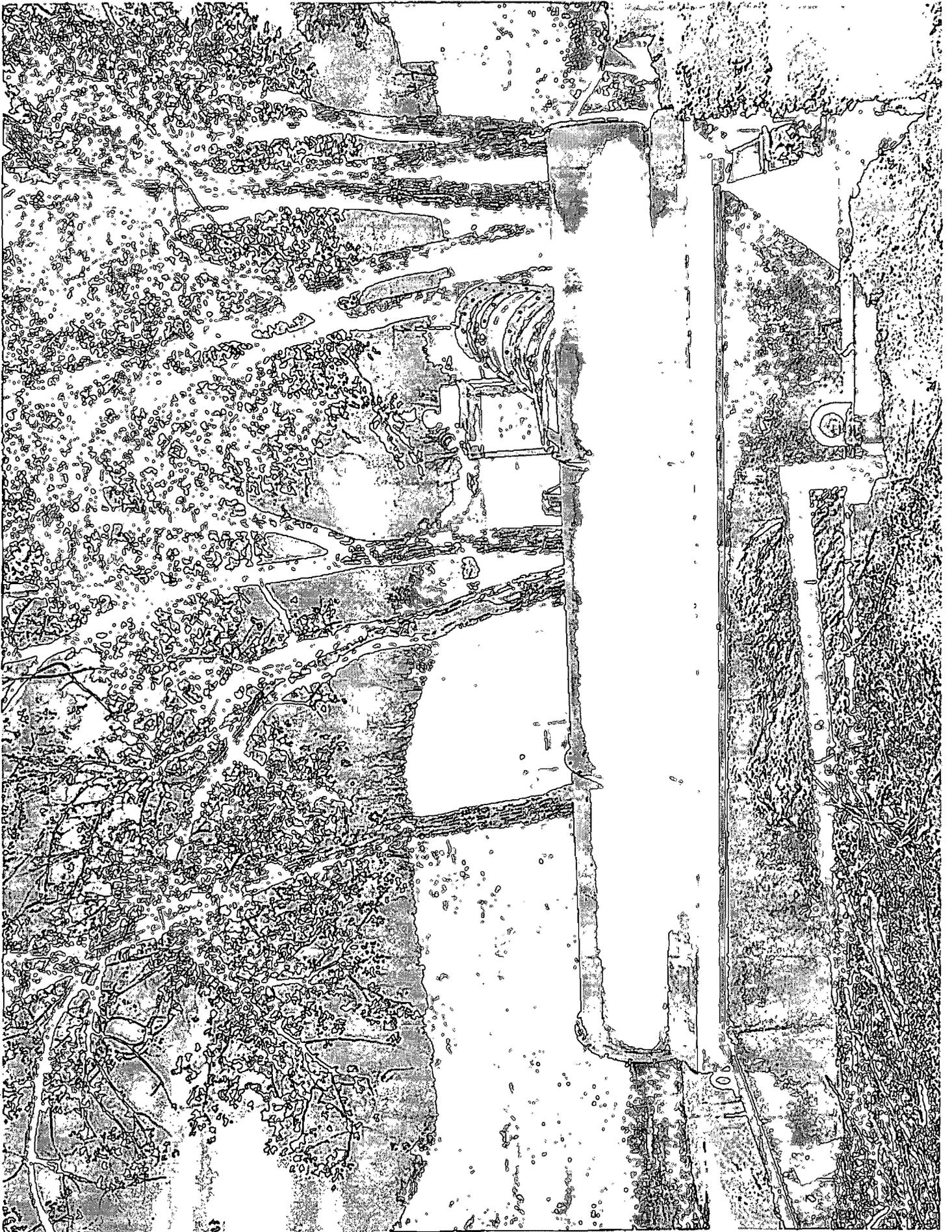
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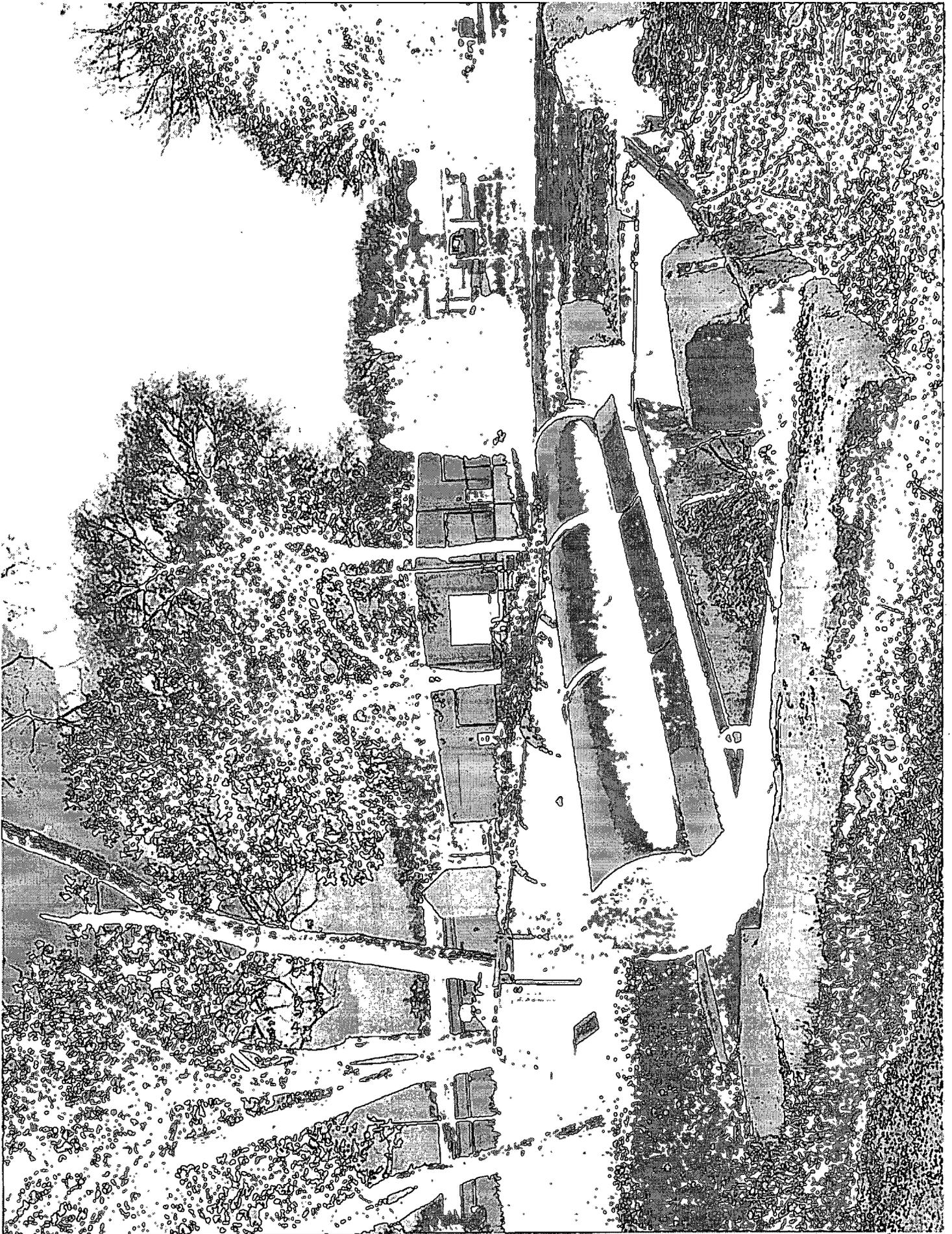


Imagery ©2018 Google, Map data ©2018 Google 100 ft

R006







From: Dante Sawyer <dsawyer@villageofhazelcrest.com>
Sent: Friday, May 11, 2018 1:49 PM
To: Albarracin, Hernando
Cc: Karl Persons
Subject: Re: [External] Village of Hazel Crest - application for an open burning permit.

Will do.
Thanks

Sent from my iPhone

On May 11, 2018, at 1:22 PM, Albarracin, Hernando <Hernando.Albarracin@illinois.gov> wrote:

Dante,

Thank you for submitting the open burning permit application. I will review it and let you know if I need anything else.

Please mail the hard copy to:

Illinois Environmental Protection Agency
Bureau of Air
Permit Section (#11)
P.O. Box 19276
Springfield, Illinois 62794-9276

Thank you.

Hernando

From: Dante Sawyer [mailto:dsawyer@villageofhazelcrest.com]
Sent: Friday, May 11, 2018 12:03 PM
To: Albarracin, Hernando <Hernando.Albarracin@illinois.gov>
Cc: Karl Persons <kjpersons@ameritech.net>
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In addition, I recently joined the Village as Assistant Village Manager / Director of Public Works. Going forward, please send all notices and inquires to my attention. Feel free to send electronically via my email or by mail at the address below.

Thanks for your assistant!

Dante

Dante Sawyer

Assistant Village Manager



Village of Hazel Crest

3000 W. 170th Place

Hazel Crest, IL 60429

(708) 335-9600, ext. 202

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From: Dante Sawyer <dsawyer@villageofhazelcrest.com>
Sent: Monday, May 14, 2018 2:32 PM
To: Albarracin, Hernando
Cc: Karl Persons
Subject: RE: [External] Village of Hazel Crest - application for an open burning permit.
Attachments: burning site to 17100 California Ave, Hazel Crest, IL 60429.pdf; burning site to Kaindl Dr, Hazel Crest, IL 60429.pdf

Hernando,

Attached are the updated maps showing the distance to requested locations. Let me know if there are any questions.

Thanks,
Dante

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From 2758 170th St, Hazel Crest, IL 60429 to 17100 California Ave, Hazel Crest, IL 60429 (999.27 ft)



2758 170th St, Hazel Crest, IL 60429 to Kalndl Dr, Hazel Crest, IL 60429 (653.38 ft)



Albarracin, Hernando

From: Albarracin, Hernando
Sent: Monday, May 14, 2018 2:41 PM
To: Jones, Eric E.
Subject: FW: [External] Village of Hazel Crest - application for an open burning permit.
Attachments: burning site to 17100 California Ave, Hazel Crest, IL 60429.pdf; burning site to Kaindl Dr, Hazel Crest, IL 60429.pdf

FYI.

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To: Albarracin, Hernando <Hernando.Albarracin@illinois.gov>
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Dante Sawyer
Assistant Village Manager



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(708) 335-9600, ext. 202

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Dante Sawyer - Assit. Village Manager Phone
5/14/2018

House south of church - residential ~ 684' from pit

First house on California - per Google ~ 999 ft to driveway

Send maps by e-mail & follow with hard copy.

5/29/2018 Phone Call from Dante Sawyer

Residence south of church is permanent residence of the church's pastor. Dante asked whether the regulation can be interpreted differently (the 1,000-ft setback requirement). I said I would find out.

There is no other interpretation of 35 Ill. Adm. Code 237.20(d).

Albarracin, Hernando

From: Jones, Eric E.
Sent: Saturday, May 19, 2018 3:34 PM
To: Albarracin, Hernando
Subject: RE: Village of Hazel Crest
Attachments: B1802160 Village of Hazel Crest - DENIAL - 05-18-2018 EEJ comments.doc

My Comments

Eric E. Jones
Bureau of Air/Office of Air Pollution Control/ Permit Section
217/558-1264
Eric.E.Jones@Illinois.gov



From: Albarracin, Hernando.
Sent: Friday, May 18, 2018 8:31 AM
To: Jones, Eric E. <Eric.E.Jones@Illinois.gov>
Subject: Village of Hazel Crest

Eric,

Attached is the following information:

- 1) E-mail from Dante Sawyer, Assistant Village Manager, containing permit application;
- 2) E-mail from Dante Sawyer stating he would submit a hard copy of the permit application, which, to my knowledge, has not been received;
- 3) E-mail from Dante Sawyer containing update maps; and
- 4) Draft denial of permit application.

I will be in Bloomington today and will return between 3:30 and 4:00.

Hernando

From: Pilapil, Ray
Sent: Thursday, May 17, 2018 2:07 PM
To: Albarracin, Hernando <Hernando.Albarracin@Illinois.gov>; Armitage, Julie <Julie.Armitage@Illinois.gov>
Cc: Bernoteit, Bob <Bob.Bernoteit@Illinois.gov>; Jones, Eric E. <Eric.E.Jones@Illinois.gov>
Subject: Village of Hazelcrest

Hernando, please proceed in drafting up the denial of the permit for the Village of Hazelcrest, because the open burning with air curtain destructor occurs within 1,000 feet of a residential or other populated area. Please confirm whether the application and two maps were received by hard copy or only e-mail. Run the draft through Eric and then send me the final draft.

Electronic Filing: Received, Clerk's Office 8/3/2018

Julie, I spoke with Rob, and he believes no Well's letter is needed if the maps were e-mailed per Section 5-110 of the Electronic Commerce Security Act (5 ILCS 175): "Information, records, and signatures shall not be denied legal effect, validity, or enforceability solely on the grounds that they are in electronic form." He further believes we are consistently applying the 1,000 feet requirement. As such we are proceeding with denying. I will send you the final draft before mailing.

Thanks.

Ray

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ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

1021 NORTH GRAND AVENUE EAST, P.O. BOX 19276, SPRINGFIELD, ILLINOIS 62794-9276 • (217) 782-3397
BRUCE RAUNER, GOVERNOR ALEC MESSINA, DIRECTOR

217/785-1705

OPEN BURNING PERMIT APPLICATION - DENIED

!DATE!

Village of Hazel Crest
Attn: Dante Sawyer
Assistant Village Manager
3000 West 170th Place
Hazel Crest, Illinois 62429

Application No.: B1802130
I.D. No.: 031117
Received: May 11, 2018
Open Burning of: Landscape Waste with Air Curtain Destructor
Location: 2700 Block of 170th Street, Hazel Crest
County: Cook

The application for an open burning permit referenced above is DENIED because the proposed location of open burning conducted with the aid of an air curtain destructor open burning described therein may would violate 35 Ill. Adm. Code 237.201(d).

~~The following are the specific reasons why the regulations may not be met.~~Based on information contained in the above referenced application, the Permittee failed to demonstrate the proposed location of open burning conducted with the aid of an air curtain destructor

~~The Illinois EPA may only grant permits for open burning for the burning of landscape waste in any area of the State if such burning is conducted with the aid of an air curtain destructor or comparable device to reduce emissions substantially, and does not occur within 305 meters (1,000 feet) of any residential or other populated area. Specifically, the application indicated that there are two locations that would fail to meet these requirements.~~

If you have any questions on this denial, please contact Hernando Albarracin at 217/785-1705.

Raymond E. Pilapil
Manager, Permit Section
Division of Air Pollution Control

REP:HAA:

Formatted: Indent: Left: 0"

Albarracin, Hernando

From: Albarracin, Hernando
Sent: Monday, May 21, 2018 9:59 AM
To: Pilapil, Ray
Subject: FW: Village of Hazel Crest
Attachments: [External] Village of Hazel Crest - application for an open burning permit.; Re: [External] Village of Hazel Crest - application for an open burning permit.; RE: [External] Village of Hazel Crest - application for an open burning permit.; B1802160 Village of Hazel Crest - DENIAL - 05-21-2018.doc

Ray,

Attached is the background information (see list of items in e-mail below) and draft denial of the Village of Hazel Crest's Open Burning Permit application. Eric has already reviewed and provided comments on the draft denial letter.

I received a call from Dante Sawyer this morning, who was asking about the status of the application. I said we are still reviewing and discussing our decision regarding the application. He asked whether it would be helpful to provide information about the residence that is located south of the church—the church is to the west of the burn pit—and within 1000 feet. Specifically, he said the pastor might not live there permanently. I said to go ahead and submit something from the pastor in writing. I am waiting for that information.

Hernando

From: Albarracin, Hernando
Sent: Friday, May 18, 2018 8:31 AM
To: Jones, Eric E. <Eric.E.Jones@Illinois.gov>
Subject: Village of Hazel Crest

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Albarracin, Hernando

From: Albarracin, Hernando
Sent: Tuesday, May 29, 2018 4:11 PM
To: Morrissey, Michelle
Subject: Open Burning Permit NOI
Attachments: B1802160 Village of Hazel Crest - DENIAL - 05-21-2018.doc

Hello, Michelle.

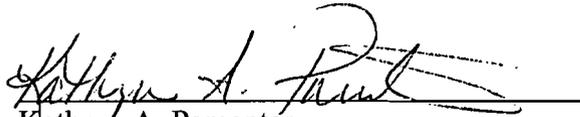
Please finalize the attached NOI.

Thank you,

Hernando
2-7390

CERTIFICATE OF SERVICE

I, KATHRYN A. PAMENTER, an Assistant Attorney General, do certify that I caused to be served this 3rd day of August, 2018, the attached Notice of Filing, Record on Appeal and Certificate of Record on Appeal, including the Index of the Record on Appeal Pursuant to 35 Ill. Adm. Code 105.116 and 105.212 (the "Index"), upon the persons set forth on the Notice of Filing *via email*.



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